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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

vs.

(1)Jesus AVILA-Solache;

(2)Jesus JIMENEZ-Almarez (a.k.a.

JIMENEZ-Almanzar and JIMENEZ-

Avalos)

Defendants

Magistrate's Case Number
BY [Signature] DEPUTY

COMPLAINT FOR VIOLATION OF:

Title 8, United States Code
Section 1324(a)(1)(A)(ii) and
(a)(1)(A)(v)(II)-Bringing in aliens and
Aiding and Abetting (Felony);
Title 18, United States Code Section
111- Assault on Federal Officer
(Felony)

The undersigned complainant being duly sworn states:

Count One

That on or about July 14, 2008, within the Southern District of California,
defendants (1) Jesus AVILA-Solache and (2)Jesus JIMENEZ-Almarez (a.k.a.
JIMENEZ-Almanzar and JIMENEZ-Avalos), knowingly and intentionally, or acting
in reckless disregard of the facts, did transport or attempted to transport within
the United States, or aided and abetted in transporting within the United States,
aliens, namely Hector PEREZ-Martinez, Martin RODRIGUEZ-Gonzalez, Juan
MARTINEZ-Rivera, who had not received prior official authorization to come to,
enter and remain in the United States, by means of transportation or otherwise, in
furtherance of such violation of law and in violation of Title 8, United States Code
Sections 1324(a)(1)(A)(ii) and (a)(1)(A)(v)(II).

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STATEMENT OF FACTS

These facts are based on my personal participation in this investigation and on written statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the Defendant named in the attached complaint committed the crimes charged in the complaint.

The complainant states that Hector PEREZ-Martinez, Martin RODRIGUEZ-Gonzalez, Juan MARTINEZ-Rivera are citizens of Mexico; therefore deportable. The aforementioned individuals' testimony is material and it is impracticable to secure their attendance at trial by subpoena; and are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 14, 2008, at approximately 0100 hours, Customs and Border Protection (CBP) Marine Interdiction Agent (MIA) P. Frith was conducting surveillance in the Imperial Beach, CA area when he received a notification from United States Coast Guard about a small vessel traveling north from Mexico towards the United States. MIA Frith contacted Border Patrol (BP) and requested the vessel be tracked north from Mexico into the United States. MIA Frith positioned himself in a position on the beach at the southern most area of Seacoast drive in Imperial Beach for an interdiction if the vessel came ashore.

MIA Frith did encounter the vessel on the beach where he was located, and immediately identified himself to all onboard the vessel that he was CBP and all occupants needed to stop and remain onboard. After MIA Frith identified himself, seven of the nine occupants onboard the vessel jumped into the surf and began to flee. MIA Frith noticed that two individuals remained on the vessel and were positioning it to flee from the beach. In an attempt to prevent the two individuals, later identified as Jesus AVILA-Solache and Jesus JIMENEZ-Almaraz (a.k.a. JIMENEZ-Almanzar and JIMENEZ-Avalos), MIA Frith approached the stern of the vessel, and attempted to board the vessel. In an attempt to flee, AVILA (the driver of the vessel) attempted to keep MIA Frith from boarding the vessel by striking MIA Frith on the face, arms, and hands. Moreover, AVILA attempted to power-up the vessel's outboard motor, an action that could have caused great bodily harm/death to MIA Frith who was in immediate proximity to the motor and propeller. MIA Frith was able to reach into the vessel and remove its fuel source. During the struggle with MIA Frith, AVILA had been unable to control the vessel in the surf, causing the vessel to flip over on its side. AVILA and JIMENEZ were ejected from the vessel. MIA Frith was able to gain control of the situation and apprehend both AVILA and JIMENEZ.

BP and CBP Officers were able to apprehend all occupants that had been onboard the vessel.

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Count Two

That on or about July 14, 2008, Jesus AVILA-Solache forcibly assaulted, resisted, opposed, impeded, intimidated or interfered with a person designated in Title 18, United States Code Section 1114, while said person was engaged in the performance of his official duties, and that said assault involved physical contact with said person, in violation of Title 18, United States Code Section 111.

The complainant states that this complaint is based on the attached statement of facts, incorporated herein by reference.


Signature of Complainant
Special Agent
U.S. Immigration and Customs
Enforcement

Sworn to before me and subscribed in my presence this 14th day of July, 2008.


UNITED STATES MAGISTRATE JUDGE